IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 17416 OF 2007

Date:14.08.2007

BETWEEN:

1. Mohd. Mehraj and another

…. PETITIONERS

And

1. The Station House Officer, Gandhinagar Police Station, Secunderabad, and another.

…. RESPONDENTS

ORDER:

Petitioners seek a writ of Mandamus to declare the action of the first respondent in interfering with their peaceful married life on the instigation of the second respondent as illegal and arbitrary.

Learned counsel for the petitioners submits that the first petitioner married the second petitioner, who belongs to different religion, and their marriage was solemnized as per Muslim Personal Law on 09.08.2007. It is stated that the petitioners are majors and with their consent and will only the marriage took place. But the said marriage is not to the liking of the father of the second petitioner and at his instance the first respondent is interfering with the peaceful married life of the petitioners. He further submits that without there being any complaint and without registering any cognizable offence the police cannot interfere with the peaceful married life of the petitioners.

Having regard to the facts and circumstances of the case, if any report/complaint is filed against the petitioners and if any cognizable offence is said to have been committed by the petitioners, it is always open for the police to register a case against the petitioners and investigate into the same. But in the absence of any report/complaint alleging that the petitioners have committed a cognizable offence, the police cannot interfere with the personal life and liberty of the petitioners.

The Writ Petition is accordingly disposed of at the admission stage.

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(V. ESWARAIAH, J.)

14th August, 2007
Js.